

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                                  |   |                    |
|----------------------------------|---|--------------------|
| DONALD J. TRUMP FOR              | ) |                    |
| PRESIDENT, INC., <i>et al.</i> , | ) | No. 4:20-CV-02078  |
| Plaintiffs,                      | ) |                    |
|                                  | ) | Hon. Matthew Brann |
| v.                               | ) |                    |
|                                  | ) |                    |
| KATHY BOOCKVAR, <i>et al.</i> ,  | ) |                    |
| Defendants.                      | ) |                    |

**MOTION OF *AMICI CURIAE* CHARLES DENT, JIM GREENWOOD,  
*ET AL.*, FOR LEAVE TO FILE BRIEF IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR INJUNCTIVE RELIEF AND IN  
SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

*Amici* respectfully move for leave to file a short brief as *amici curiae* in opposition to Plaintiffs' motion for injunctive relief and in support of Defendants' motion to dismiss. The grounds supporting this motion are set forth below, and the proposed *amici* brief is attached.

1. *Amici* include Charles W. Dent, Jim Greenwood and others who have served in elected offices and in positions in Republican administrations.<sup>1</sup> Reflecting their experience in supporting the rule of

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<sup>1</sup> The *amici curiae* are: Charles W. Dent, Jim Greenwood, Christine Todd Whitman, Connie Morella, Stuart Gerson, Carter Phillips, John Bellinger, III, Edward Larson, Alan Charles Raul, Paul Rosenzweig, Robert Shanks, Stanley Twardy, Donald Ayer and Richard Bernstein. A list of the *amici* and their government service is in Appendix A to the *Amici* Brief.

law, *amici* have an interest in seeing that judicial decisions about the election are based on federalism and the Tenth Amendment. *Amici* speak only for themselves personally, and not for any entity or other person.

2. *Amici* respectfully request that the Court consider the arguments in the enclosed, short *amici* brief. The attached *amici* brief would be helpful to the Court. The brief demonstrates that, under the Elections and Electors Clauses, 3 U.S.C. § 5, federalism and the Tenth Amendment, state courts have the power to interpret state election law and to decide controversies concerning challenges to federal election results. The Pennsylvania Supreme Court is currently giving expedited consideration to a challenge by the same lead plaintiff in this Court based on the exact same provisions of the Pennsylvania Election Code concerning observation that the same lead Plaintiff in this case invokes. This Court should defer to the imminent decision of the Pennsylvania Supreme Court. Likewise, the so-called notice-and-cure issues are pending in the Commonwealth Court of Pennsylvania and also very likely to be addressed soon by the Pennsylvania Supreme Court.

3. Given the expedited briefing order entered by this Court on November 10, 2020, *amici* respectfully request leave to file the enclosed

brief. On November 12, 2020, counsel for *amici* gave notice to Plaintiffs and to Defendants of the intent of *amici* to file an *amici* brief. Understandably, the parties have not yet indicated whether they consent or object to this motion. *Amici* are filing now to give Plaintiffs the maximum time under this Court's schedule to address the arguments and the authorities in the enclosed *amici* brief.

### CONCLUSION

The Court should grant *amici curiae* leave to file the enclosed brief in opposition to Plaintiffs' motion for injunctive relief and in support of Defendants' motion to dismiss.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing document via the Court's electronic filing system and electronic mail to the following attorneys of record.

[See Attached Service List]

Dated: November 12, 2020

/s/ James P. DeAngelo  
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